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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,456	10/17/2005	Erich Haider	38759	6983
116	7590	10/24/2006		
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER NGUYEN, JIMMY T	
			ART UNIT 3725	PAPER NUMBER

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/553,456	HAIDER, ERICH
	Examiner Jimmy T. Nguyen	Art Unit 3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 July 2006.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4-6,8 and 10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4-6,8 and 10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 October 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/17/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____



## DETAILED ACTION

### *Information Disclosure Statement*

Receipt is acknowledged of an Information Disclosure Statement (I.D.S.), filed October 17, 2005, which I.D.S. has been placed of record in the file. An initialed, signed, and dated copy of the form PTO-1449 is attached to this Office action.

### *Specification*

**The abstract of the disclosure is objected to** because it uses improper phrase, which can be implied, such as, "The invention related to" (line 1). It is suggested that this phrase should be deleted. Correction is required.

**The disclosure is objected to** because it fails to include section headings.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.



(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

**The disclosure is further objected to** because of the following informalities:

Page 3, lines 3-4 is objected to because it is improper to refer a claim in the specification. The specification is a stand alone document and is not read in light of the claims. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 4-6, 8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.



Regarding claim 1, line 4, there is insufficient antecedent basis for the limitation “the course” in the claim.

Regarding claim 1, line 4, it is unclear what structural inter-relationship exists between the control means and other elements (i.e. the pressing belt, ..) in the claim.

Regarding claim 1, line 8, there is insufficient antecedent basis for the limitation “the direction” in the claim.

Regarding claim 1, lines 10-11, it is unclear whether the limitation “means that control the position of the rotating rods” and the control means as claimed in line 4. Clarification is required. Note that the specification does not provide any support for more than one control means.

Regarding claim 1, lines 10-11, there is insufficient antecedent basis for the limitation “the position” in the claim.

Regarding claim 4, line 4, it is unclear whether the limitation “positioning means” and the positioning means as claimed in claim 1, line 6 are the same element. Clarification is required. Note that the specification does not provide any support for more than one positioning means.

Regarding claim 4, line 5, it is unclear whether the limitation “shafts” and the shafts as claimed in line 3 are the same element. Clarification is required.

Regarding claim 5, the last two lines, the recitation “in an area between the rollers, namely in particular by means of pivoted rotating rods” is confusing because it is unclear what is the claimed structure limitation? Additionally, it is unclear what is meant by “means of pivoted rotating rods”.



Regarding claim 8, line 2, it is unclear what structural inter-relationship exists between the gear wheels and other elements (i.e. the rotating rods, the chain ..) as claimed in the preceding claim.

Regarding claim 8, line 5, it is unclear whether the limitation “a chain” is referring to the chain as claimed in claim 1, last line or to a different chain. Clarification is required.

Regarding claim 10, line 4, there is insufficient antecedent basis for the limitation “the pressing area” in the claim.

**All claims should be carefully reviewed for clarity and definiteness.**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2, 4-6 and 10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Graf (DE 19931175).**

Regarding claims 1 and 10, Graf discloses a press and a method for controlling a pressing belt in the press, the press having at least one revolving pressing belt (6) and control means (fig. 1) disposed within the pressing belt (fig. 1), wherein the control means comprises rotating rods (12) and positioning means (see a cylinder disposed in a lower left section of the pressing belt (6) in fig. 1). The rotating rods are laterally attached to revolving chains (23) (fig. 2). Graf discloses



the positioning means applied pressure against the rotating rods (fig. 1), and thus, the rotating rods can be positioned diagonally relative to a direction of transport of the pressing belt with the function of the positioning means. Graf discloses the press as claimed; therefore, the course of the pressing belt is controlled in a pressing area by laterally slowing down the pressing belt.

Regarding claim 2, the control means are arranged such that the course of the pressing belt (6) is controlled in an area that serves the pressing of materials to be pressed (fig. 1).

Regarding claim 4, the rotating rods (12) formed a revolving belt (fig. 1), which is guide around shafts (see circular elements at corners of the revolving belt of rotating rods in fig. 1).

Regarding claim 5, Graf discloses two revolving pressing belts (5 and 6) are guided around rollers (7-10), the pressing belt are urged towards each other in an area between the rollers (fig. 1) by the rotating rods (12) (fig. 1).

Regarding claim 6, Graf discloses means (27) are provided to acquire a deviation of the pressing belt from a predefined desired course.

#### *Allowable Subject Matter*

Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



***Conclusion***

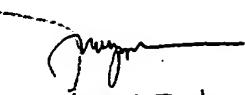
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to show relevant continuous pressing apparatuses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen  
October 20, 2006

  
JIMMY T. NGUYEN  
EXAMINER. AU 3725